

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SOHAIB BIN LATEEF,)	
)	
Petitioner,)	
)	
vs.)	No. 4:04CV995-SNL
)	
MICHAEL T. JAROMIN, District)	
Director, Bureau of Citizenship and)	
Immigration Services, and)	
THE HONORABLE JOHN ASHCROFT,)	
Attorney General of the United States)	
of America,¹)	
)	
Respondents.)	

ORDER

On March 9, 2005 the Court ordered that this matter will continue to be stayed until a decision was made at the hearing set before the Immigration Court on June 28, 2005. In the order, the Court directed the parties to notify the Court as to the determination made at that hearing.

Both parties have responded indicating that the case was continued until September 27, 2005 before the Immigration Court. The parties have a factual dispute as to what happened at the June 28, 2005 hearing. Nonetheless, it appears that the matter should continue to be stayed until a decision is made by the Immigration Court.

In petitioner's response, he indicates that he requested a continuance of the June 28, 2005 hearing which is a matter of concern to this Court because of the undue length of time it is taking to be concluded. If petitioner continues to request continuances of the hearing before the

¹ Judge Alberto R. Gonzales was sworn in as United States Attorney General on February 3, 2005.

Immigration Court, the Court here could determine that petitioner is unduly delaying this matter.

Certain other matters need attention: first, there is a question of exhaustion of administrative remedies. It appears that that matter is moot in view of the contents of "Petitioner's Posture of the Case" filed July 7, 2005.

Second, it appears that this Court continues to have jurisdiction pursuant to RIDA § 106(c).

Finally, respondents aver that the persons named by petitioner as respondents in the caption used here and in prior orders is improper. Respondents urge that Ken Carlson, the Interim Deputy Field Office Director for Immigration and Customs Enforcement (ICE) for the ICE Detention and Removal Office in Kansas City, Missouri which is part of the Department of Homeland Security is the proper respondent. John Ashcroft has also been replaced by Alberto R. Gonzales. This Court is uncertain as to who the proper respondents are and will allow the parties to address this further in the ultimate response to this order.

IT IS THEREFORE ORDERED that this case will continue to be **STAYED** until a decision is made by the Immigration Court at the September 27, 2005 hearing.

IT IS FURTHER ORDERED that counsel shall notify the Court, in writing, as to the determination that is made at the September hearing and any other matter that may be adjudicated before the hearing which is relevant to the issues in this case.

Dated this 21st day of July, 2005.



SENIOR UNITED STATES DISTRICT JUDGE